



REMARKS

Applicants respectfully request reconsideration of the instant application in view of the above-referenced amendments and the following remarks. In the instant office action, the Examiner rejected claims 1-8, 11, 13-16, 26-35, 38, and 40-50. The Examiner allowed claims 17-25 and indicated that claims 5, 9, 10, 12, 32, 36, 37 and 39 would be allowable if rewritten in independent form. By this amendment, Applicants have amended claims 5, 9, 10, 12, 32, 36, 37 and 39 to be in independent form, and have amended various rejected claims to depend from these amended claims. Applicants have cancelled claims 1, 26-28 and 44-50, without prejudice or disclaimer. Applicants specifically reserve the right to file a continuation application to the rejected claims. In view of the instant amendment, Applicants respectfully submit that the instant application is in condition for allowance.

REQUEST FOR AN INTERVIEW

The Examiner is specifically requested to contact Applicants' undersigned representative for a telephonic interview to discuss any remaining issues.

AUTHORIZATION

If the Commissioner determines that an additional fee is due, or an additional extension of time required, applicant petitions for the extension of time, and authorizes the Commissioner to charge any required fee, or credit any overage, to deposit account 13-4500, Order No. 3553-4018. A duplicate of this sheet is included.

Respectfully submitted,
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APPENDIX

2. (Amended) A method according to claim 5 [1], further comprising providing another of the at least two sellers with a second look opportunity to satisfy the conditional purchase offer.

3. (Amended) A method according to claim 5 [1], further comprising binding the buyer to the conditional purchase offer.

4. (Amended) A method according to claim 5 [1], further comprising notifying the buyer that the conditional purchase offer will not be satisfied.

5. (Amended) An allocation method in a buyer-driven system comprising: [A method according to claim 1, further comprising, before identifying one of the at least two sellers as a priority seller,]

determining which of at least two sellers could satisfy a [the] conditional purchase offer;

identifying one of the at least two sellers as a priority seller; and

providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

6. (Amended) A method according to claim 5 [1], wherein one of the at least two sellers is an agency-based seller.

7. (Amended) A method according to claim 5 [1], wherein one of the at least two sellers is a broadcast-based seller.

8. (Amended) A method according to claim 5[1], wherein the conditional purchase offer is a binding conditional purchase offer.

9. (Amended) An allocation method in a buyer-driven system comprising: [A method according to claim 1]

identifying one of at least two sellers as a priority seller, wherein identifying one of at least two sellers as a priority seller includes: determining a number of first look opportunities due to the at least two sellers; determining a number of first look opportunities given to the at least two sellers; and identifying one of the at least two sellers with the largest deficiency between opportunities given and opportunities due as the priority seller; and

providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

10. (Amended) An allocation method in a buyer-driven system comprising: [A method according to claim 1]

identifying one of at least two sellers as a priority seller, wherein identifying one of at least two sellers as a priority seller includes: determining a percentage of first look opportunities due to the at least two sellers based on an adjusted market share; determining a percentage of first look opportunities given to the at least two sellers; and identifying one of the at least two sellers

with the largest deficiency between percentage of first look opportunities given and percentage of first look opportunities due as the priority seller; and

providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

11. (Amended) A method according to claim 5[1], wherein identifying one of at least two sellers as a priority seller includes:

assigning a random number to each of the at least two sellers; and
using the random numbers to identify the priority seller.

12. (Amended) An allocation method in a buyer-driven system comprising: [A method according to claim 1]

identifying one of at least two sellers as a priority seller, wherein identifying one of at least two sellers as a priority seller includes: determining a market share for each of the at least two sellers; and identifying one of the sellers having the largest market share that could also satisfy the conditional purchase offer as the priority seller; and

providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

13. (Amended) A method according to claim 5 [1], wherein identifying one of at least two sellers as a priority seller further includes:

determining a buyer preference metric for each of the at least two sellers; and
using the buyer preference metric to identify one of the at least two sellers as the priority seller.

14. (Amended) A method according to claim 5 [1], wherein identifying one of at least two sellers as a priority seller further includes providing an advantage to one of the at least two sellers.

15. (Amended) A method according to claim 5 [1], further comprising:
determining whether more than one seller price will satisfy the conditional purchase offer; and
selecting the highest seller price.

16. (Amended) A method according to claim 5 [1], further comprising:
determining whether there are other sellers that could satisfy the conditional purchase offer; and
performing a low price search of the other sellers.

29. (Amended) A system according to claim 32 [28], further comprising means for providing another of the at least two sellers with a second look opportunity to satisfy the conditional purchase offer.

30. (Amended) A system according to claim 32 [28], further comprising means for binding the buyer to the conditional purchase offer.
31. (Amended) A system according to claim 32 [28], further comprising means for notifying the buyer that the conditional purchase offer will not be satisfied.
32. (Amended) A system for allocation in a buyer-driven system comprising: [A system according to claim 28, further comprising]
means for determining which of [the] at least two sellers could satisfy [the] conditional purchase offer;
means for identifying one of the at least two sellers as a priority seller; and
means for providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.
33. (Amended) A system according to claim 32 [28], wherein one of the at least two sellers is an agency-based seller.
34. (Amended) A system according to claim 32 [28], wherein one of the at least two sellers is a broadcast-based seller.
35. (Amended) A system according to claim 32 [28], wherein the conditional purchase offer is a binding conditional purchase offer.

36. (Amended) A system for allocation in a buyer-driven system comprising: [A system according to claim 28]

means for identifying one of at least two sellers as a priority seller, wherein means for identifying one of at least two sellers as a priority seller includes: means for determining a number of first look opportunities due to the at least two sellers; means for determining a number of first look opportunities given to the at least two sellers; and means for identifying one of the at least two sellers with the largest deficiency between opportunities given and opportunities due as the priority seller; and

means for providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

37. (Amended) A system for allocation in a buyer-driven system comprising: [A system according to claim 28]

means for identifying one of at least two sellers as a priority seller, wherein means for identifying one of at least two sellers as a priority seller includes: means for determining a percentage of first look opportunities due to the at least two sellers based on an adjusted market share; means for determining a percentage of first look opportunities given to the at least two sellers; and means for identifying one of the at least two sellers with the largest deficiency between percentage of first look opportunities given and percentage of first look opportunities due as the priority seller; and

means for providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

38. (Amended) A system according to claim 32 [28], wherein means for identifying one of at least two sellers as a priority seller includes:

means for assigning a random number to each of the at least two sellers; and

means for using the random numbers to identify the priority seller.

39. (Amended) A system for allocation in a buyer-driven system comprising: [A system according to claim 28]

means for identifying one of at least two sellers as a priority seller, wherein means for identifying one of at least two sellers as a priority seller includes: means for determining a market share for each of the at least two sellers; and means for identifying one of the sellers having the largest market share that could also satisfy the conditional purchase offer as the priority seller; and

means for providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

40. (Amended) A system according to claim 32 [28], wherein means for identifying one of at least two sellers as a priority seller further includes:

means for determining a buyer preference metric for each of the at least two sellers; and

means for using the buyer preference metric to identify one of the at least two sellers as the priority seller.

41. (Amended) A system according to claim 32 [28], wherein means for identifying one of at least two sellers as a priority seller further includes means for providing an advantage to one of the at least two sellers.

42. (Amended) A system according to claim 32 [28], further comprising:

means for determining whether more than one seller price will satisfy the conditional purchase offer; and

means for selecting the highest seller price.

43. (Amended) A system according to claim 32 [28], further comprising:

means for determining whether there are other sellers that could satisfy the conditional purchase offer; and

means for performing a low price search of the other sellers.